

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 22-80208-Cr-Cannon/Reinhart(s)**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DANIEL CLARK,**

**Defendant.**

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**UNITED STATES' MOTION FOR DOWNWARD DEPARTURE**


The United States of America, by and through the undersigned Assistant United States Attorney, respectfully requests that the Court depart downward at sentencing, pursuant to Section 5K1.1 of the United States Sentencing Guidelines, to reflect the defendant's substantial assistance to the United States.

On April 5, 2023, the defendant was charged by superseding information with conspiracy to possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii) and 846. On April 26, 2023, the defendant pled guilty as charged pursuant to a written plea agreement with the United States (D.E. 35). As part of the plea agreement, Mr. Clark agreed to cooperate with the United States. The United States believes Mr. Clark's cooperation to date constitutes substantial assistance. To that end, the United States requests that the Court reduce his advisory guideline range by 20% to reflect his substantial assistance to the United States. The United States will advise the Court of the details of the defendant's substantial assistance at his sentencing hearing scheduled for July 6, 2023.

### **CONCLUSION**

The United States respectfully requests that the Court depart downward and reduce the defendant's advisory guideline range by 20% to reflect his substantial assistance to the United States

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By:   
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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 30, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified.

*s/Daniel E. Funk*  
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DANIEL E. FUNK  
Assistant United States Attorney

### **SERVICE LIST**

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